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OFFICE OF PETITIONS

In re Application of
Max Kadiu
Application No. 10/792,354
Filed: March 2, 2004
Attorney Docket No.

ON PETITION

This is a decision on the petition, filed August 22, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed December 12, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 13, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (2).

The fee for a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) is \$750 (small entity). Petitioner submitted \$700 with the petition on August 22, 2006. Therefore, this application cannot be revived until the \$50 balance is received.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
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By facsimile: (571) 273-8300
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions